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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/520,249	03/07/2000	Richard Henry Weese	99-009 (RH2-0011)	9888

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EXAMINER

CAIN, EDWARD J

ART UNIT

PAPER NUMBER

1714

DATE MAILED: 07/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/520,249

Applicant(s)

Weese et al

Examiner

Edward Cain

Group Art Unit

1714

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-3, 19, 20, 23 and 32-39 is/are pending in the application.
- ☐ Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☒ Claim(s) 32-39 is/are allowed.
- ☒ Claim(s) 1-3, 19, 20, 23 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
  - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

Office Action Summary

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 19, 20 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki or Kempner or Bett or Lee '319 or Bertelo or Richard.

Applicants' claims are directed to a composition comprising water and a core/shell polymer comprising acrylate monomer in the core and methacrylate monomer in the shell. Newly cited Sasaki, Kempner, Bett, Lee '319, Bertelo, and Richard all disclose composition comprising water and core/shell polymers comprising acrylate monomer in the core and methacrylate monomer in the shell. See the Abstract of each reference. See claim 1 of Sasaki. See claim 1 of Kempner. See claims 1, 3, and 5 of Bett. See claims 1 and 2 of Lee '319. See claims 1-6 of Bertelo. See claims 1, 8, and 9 of Richard.

It would be obvious to one of ordinary skill in the art to formulate aqueous compositions comprising core/shell polymer according to these references, which comprise acrylate monomer in the core and methacrylate monomer in the shell. The motivation is that it is within the skill of one in the art to select suitable monomers for the core content and suitable monomers for the shell content because both acrylate monomers and methacrylate monomers are specifically recited by these references.

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Any argument that applicants present against these references concerning "direct addition to polyvinyl chloride" will not be persuasive. Claim 1 is directed to water and the core/shell polymer. There is no polyvinyl chloride recited in the compositions of these claims.

Applicants have argued that the references do not teach a processing aid for PVC.

Sasaki, for example, teach the optional incorporation of lubricant at column 6, line 68. This is seen or qualifying or a processing aid for PVC.

3. Claims 32-39 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Cain whose telephone number is (703) 308-0042. The examiner can normally be reached on Monday-Friday 10:00 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 703-306-2777. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9311 for regular communications and (703) 305-7115 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

E. Cain/dh  
July 1, 2003

A handwritten signature in black ink, appearing to be 'E. Cain', written in a cursive style.